

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

KENNETH WAYNE ALEXANDER           §  
v.   §       CIVIL ACTION NO. 6:18cv594  
SMITH COUNTY SHERIFF'S OFFICE,   §  
ET AL.

ORDER OF PARTIAL DISMISSAL

The Plaintiff Kenneth Alexander, a former prisoner of the Smith County Jail proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court referred the matter to the Honorable K. Nicole Mitchell, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

After review of the pleadings, the magistrate judge recommended dismissal of all of the claims except for Plaintiff's claim that he was denied adequate medical care. The court has received and considered the Report and Recommendation of the United States Magistrate Judge, along with the record, pleadings and all available evidence.


Plaintiff filed objections to the magistrate judge's Report and Recommendation arguing that he wanted to file charges against inmate Christian Jolley and prosecuting Jolley to the fullest for assaulting him. The magistrate judge correctly determined that Alexander has no constitutional right to have another person prosecuted. Plaintiff did not object to the magistrate judge's recommendation for the dismissal of the Smith County Commissioner's Court, County Judge Nathaniel Moran, the Smith County Sheriff's Office, and the Smith County Jail as defendants to the lawsuit.

The court conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections lack merit.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. All of the Plaintiff's claims except for his claim concerning his medical care are **DISMISSED**. All of the Defendants except for Dr. White, the nurse identified as Lisa, and the nurse identified as Malia are **DISMISSED** as parties to the lawsuit. The dismissal of these claims and parties shall have no effect upon the remaining claims and parties in the case.

**SIGNED** this the 30 day of **April, 2020**.

  
Thad Heartfield  
United States District Judge